

000FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE
REV. 2/01**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**CUSTOMER NO. 22,852
ATTORNEY'S DOCKET NUMBER

02418.0913

U.S. APPLICATION NO.
(If known, see 37CFR1.5)**10/523520**

INTERNATIONAL APPLICATION NO.

PCT/EP2003/008176

INTERNATIONAL FILING DATE

July 24, 2003

PRIORITY DATE CLAIMED

August 9, 2002


TITLE OF INVENTION: **DAMPING DEVICE FOR A BALL GAMES RACKET**APPLICANTS FOR DO/EO/US: **1) Herfried LAMMER and 2) Jürgen WILKE**

Applicants herewith submit to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2)).
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau.
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed with the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154 (d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)).
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☒ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ Information Disclosure Statement under 37 CFR 1.97 and 1.98
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A Substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154 (d)(4).
19. ☐ A second copy of the English language translation of the international application 35 U.S.C. 154 (d)(4).
20. ☒ Other items or information:
 - a. ☒ Copy of cover page of International Publication No. **WO 2004/020048 A1**.
 - b. ☐ Copy of Notification of Missing Requirements.
 - c. ☒ Request For Substitution Of Replacement Sheets.

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|--|--------------|--|--------------|--|-----------------|
| U.S. APPLICATION NO. (if known, see 37CFR 1.5) 10/523520 | | INTERNATIONAL APPLICATION NO. PCT/EP2003/008176 | | ATTORNEY'S DOCKET NUMBER 02418.0913 | |
| 21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)): \$300.00 National Stage Search Fee..... \$500.00 National Stage Examination Fee..... \$200.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT = \$1000.00</div> | | | | Applicant Use | Office Use Only |
| | | | | \$300.00 | |
| | | | | \$500.00 | |
| | | | | \$200.00 | |
| | | | | | |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | | | |
| Total Sheets | Extra Sheets | Number of additional 50 or fraction thereof (rounded up to a whole number) | Rate | | |
| 16- 100 = | /50= | | x 250.00 | \$ | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)). <input type="checkbox"/> 20 <input type="checkbox"/> 30 | | | | \$ | |
| CLAIMS | NUMBER FILED | | NUMBER EXTRA | RATE | |
| Total Claims | 23 | - 20 = | 3 | x \$50.00 | \$150.00 |
| Independent Claims | 1 | - 3 = | 0 | x \$200.00 | \$ |
| <input checked="" type="checkbox"/> MULTIPLE DEPENDENT CLAIMS (if applicable) | | | | + \$360.00 | \$ 360.00 |
| TOTAL OF THE ABOVE CALCULATIONS = | | | | \$1510.00 | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | \$ | |
| SUBTOTAL = | | | | \$1510.00 | |
| Processing fee of \$130.00 for furnishing the English translation later than months from the earliest priority date (37 CFR 1.492(f)). <input type="checkbox"/> 20 <input type="checkbox"/> 30 | | | | \$ | |
| TOTAL NATIONAL FEE = | | | | \$ 1510.00 | |
| Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property. | | | | \$ | |
| TOTAL FEES ENCLOSED = | | | | \$ 1510.00 | |
| | | | | Amount to be refunded: | \$ |
| | | | | charged: | \$ |
| a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>1510.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>06-0916</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status. | | | | | |
| SEND ALL CORRESPONDENCE TO: Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 1300 I Street, N.W. Washington, D.C. 20005-3315 EFC/FPD/sci DATED: February 4, 2005 | | | | | |
| | | | |  SIGNATURE Ernest F. Chapman/25,961 NAME/REGISTRATION NO. | |

**TRANSLATION OF THE ANNEXES TO THE
PRELIMINARY EXAMINATION REPORT**

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

REQUEST FOR SUBSTITUTION OF REPLACEMENT SHEETS

Please substitute the attached replacement sheets 9-11 of the claims containing the translation of the Article 34 Amendments for sheets 9-11 of the claims in the enclosed translation of the as-filed PCT application. It is respectfully requested that the claims in the substitute sheets be examined during examination of the patent application. Claims 1-22 are currently pending.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 4, 2005

By: 

Ernest F. Chapman
Reg. No. 25,961

EFC/FPD/sci